

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
**CBS COMMUNICATIONS SERVICES,** ) File No. WB/ENF-97-1677  
**INC.** )  
 )  
 Licensee of Private Operational Fixed )  
 Microwave Station WEH913, Miramar, Puerto )  
 Rico )  
 )  
 and )  
 )  
**CENTENNIAL WIRELESS PCS LICENSE** )  
**CORPORATION** )  
 )  
 Licensee of B Block PCS Station KNLF250, )  
 Puerto Rico-U.S. Virgin Islands MTA )

**MEMORANDUM OPINION AND ORDER**

**Adopted:** April 30, 1998

**Released:** April 30, 1998

By the Chief, Wireless Telecommunications Bureau

1. The Chief, Wireless Telecommunications Bureau, pursuant to delegated authority, has before him: (a) a Joint Request for Approval of Settlement and for Confidential Treatment of a Settlement and Release Agreement ("Joint Request"), filed on March 20, 1998, by CBS Communication Services, Inc. ("CBS") and Centennial Wireless PCS License Corp. ("Centennial"); and (b) an accompanying Settlement and Release Agreement. For the reasons that follow, we find that the public interest would be served by granting the Joint Request, approving the settlement agreement, and terminating this proceeding.

2. CBS operates private operational fixed microwave facilities in Puerto Rico, including a microwave path between Cerro Maravilla (Station WGY265) and Caribbean Tower (Station WEH913), using frequency pair 1880 MHz/1960 MHz. Centennial is the licensee of a broadband Personal Communications Service ("PCS") system using Block B spectrum (1870-1855 MHz paired with 1950-1965 MHz) in the Puerto Rico-U.S. Virgin Islands Major Trading Area. Pursuant to Section 24.237 of the Commission's Rules, Centennial has a duty not to cause interference to the CBS facilities.

3. On October 16, 1996, CBS filed a complaint with the Commission alleging that Centennial's PCS system was causing interference to the WEH913 microwave receiver located atop Caribbean Tower, in violation of Section 24.237 of the Commission's Rules. Centennial contested the complaint. Thereafter, on September 30, 1997, CBS filed an "Emergency Petition to Enjoin Interference and Impose Sanctions," alleging that Centennial's PCS system was continuing to cause interference to the WEH913 microwave receiver. Centennial opposed the Emergency Petition as well.

4. In a letter ruling, dated January 30, 1998, the Chief, Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, determined that Centennial's PCS system was causing interference to the CBS microwave receiver in violation of Section 24.237(f) of the Commission's Rules and ordered Centennial to come into compliance within ten calendar days. By Order, DA 98-219 (released February 6, 1998), the Bureau tolled the staff letter ruling for 14 days to permit the parties to negotiate a settlement. On February 19, 1998, Centennial filed an "Emergency Petition for Stay Pending Reconsideration" of the staff letter ruling, as modified by the Bureau's February 6, 1998, Order. By Memorandum Opinion and Order, DA 98-371 (released February 27, 1998) ("MO&O"), the Bureau granted Centennial's request for a stay. The MO&O stayed the portion of the staff letter ruling which would have made Centennial subject to administrative sanctions if it failed to comply with the Commission's interference rules. The MO&O also determined that CBS had an obligation to cooperate with Centennial's efforts to resolve the interference. On March 2, 1998, Centennial filed a "Petition for Reconsideration" of the letter ruling.

5. The two licensees now represent in a settlement agreement that they wish to resolve their competing claims and differences arising from or relating to the interference caused by Centennial's PCS system to CBS' microwave receiver. They also state their intention to concurrently resolve issues relating to the relocation of CBS' microwave system, pursuant to Section 101.69 of the Commissions Rules. CBS and Centennial request confidential treatment of the entire settlement agreement or, in the alternative, those portions of the agreement that reflect payments of funds. According to their Joint Request, confidential treatment is warranted because the terms of the agreement include "competitively sensitive information regarding PCS system operations and relocation arrangements which typically are not subject to public disclosure." We find no justification for affording confidential treatment to the entire settlement agreement. Our examination of the agreement reveals that only very limited portions of the accord contain information that may arguably be characterized as "competitively sensitive." However, we will grant the parties' request for confidentiality as to those portions of the agreement that reflect payments of funds.

6. Under the terms of their settlement agreement, the parties have agreed, for a period of three months, to use their best efforts to maintain the *status quo* with regard to the operation of their respective systems. Centennial shall make no changes to its PCS system that would have a material adverse effect on the level of interference to CBS' microwave system, and CBS shall make no changes to its microwave receiver that would render the receiver more susceptible to interference. During the three month period, CBS shall use its best efforts to relocate the microwave path of its system to other frequencies. After the three

months period, Centennial shall be free from any restriction on the operation of its PCS system insofar as CBS is concerned. In consideration, Centennial will pay CBS a specified amount of money and seek the withdrawal of its pending "Petition for Reconsideration" of the staff letter ruling. The parties state that the settlement agreement would serve the public interest because it would terminate existing litigation and obviate the need for further litigation.

7. We have carefully analyzed the Joint Request and the terms of the accompanying settlement agreement. We believe that the public interest would be served by granting the Joint Request and approving the settlement agreement. The settlement agreement resolves with finality the protracted interference dispute between the parties. Furthermore, the settlement agreement provides for the relocation of the CBS microwave system to frequencies that would allow the unimpeded development of PCS service in Puerto Rico by Centennial and permit full operation without interference by CBS of its microwave system.

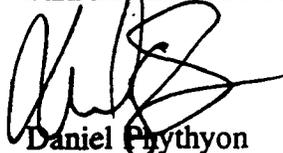
8. ACCORDINGLY, IT IS HEREBY ORDERED that the Joint Request for Approval of Settlement and for Confidential Treatment of a Settlement and Release Agreement, filed on March 20, 1998, by CBS and Centennial IS GRANTED.

9. IT IS FURTHER ORDERED that the Settlement and Release Agreement entered into by CBS and Centennial on March 20, 1998, IS APPROVED.

10. IT IS FURTHER ORDERED that Centennial's request to withdraw its March 2, 1998, "Petition for Reconsideration" IS GRANTED.

11. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

**FEDERAL COMMUNICATIONS COMMISSION**



Daniel Phythyon  
Chief, Wireless Telecommunications Bureau